



Town of Underhill

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PLANNING COMMISSION REPORT FOR MUNICIPAL BYLAW AMENDMENTS

This report is prepared in accordance with 24 V.S.A. § 4441(c), which states:

When considering an amendment to a bylaw, the planning commission shall prepare and approve a written report on the proposal. A single report may be prepared so as to satisfy the requirements of this subsection including bylaw amendments and subsection 4384(c) of this title concerning plan amendments. The department of housing and community affairs shall provide all municipalities with a form for this report. The report shall provide a brief explanation of the proposed bylaw, amendment, or repeal and shall include a statement of purpose as required for notice under section 4444 of this title and shall include findings regarding how the proposal:

1. Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing.
2. Is compatible with the proposed future land uses and densities of the municipal plan.
3. Carries out, as applicable any specific proposals for any planned community facilities.

Brief Explanation of Proposed Amendment:

The primary purposes of the proposed amendments are to clarify issues that have arisen during the road, driveway and trail permitting and development review processes, meet the requirements of State planning laws (24 V.S.A., Chapter 117), and to comply with the 2015 Underhill Town Plan.

The Underhill Planning Commission is proposing organizational edits to address inconsistencies between the 2015 *Underhill Road, Driveway and Trail Ordinance* and the *Underhill Unified Land Use & Development Regulations*, as amended through March 6, 2018. Various sections of the two documents are either inconsistent with one another or duplicate each other. By reorganizing both the *Road, Driveway and Trail Ordinance* and *Unified Land Use & Development Regulations* will make the access permitting process and the development review process more clear, efficient and user-friendly.

The edits proposed by the Planning Commission largely impacts Section 3.2, which pertains to the Access, and Section 8.6, which pertains to driveway and development road standards when subdividing. A large portion of the edits being proposed include the elimination of the section or regulation from the *Unified Land Use & Development Regulations*. Some of these sections and regulations will be integrated into an updated version of the *Underhill Road, Driveway and Trail Ordinance*. The Selectboard will be reexamining the 2015 *Underhill Road, Driveway and Trail Ordinance*, and will be making modifications in the future to better serve the access permitting and development review process. The Planning Commission has forwarded recommendations to the Selectboard to review, which includes the eliminated sections pertaining to road/driveway related matters from the *Unified Land Use & Development Regulations*.

The proposed changes directly address goals and policies contained in the municipal plan – specifically the goal, policy and strategies provided under Section 3.2 in the Underhill Town Plan. Those revisions that are not directly addressed in the municipal plan are either technical corrections or revisions to provide administrative efficiency and clarification. In addition, the proposed amendments will not adversely affect the availability of safe and affordable housing. The proposed changes are outlined and explained below. In addition, the proposed amendments are compatible with the proposed future land uses and densities of the municipal plan, which is generally to preserve Underhill’s rural character (see Section 1.1 of the Underhill Town Plan).

Lastly, the proposed amendments will not address any specific proposals for any planned community facilities.

Note: *These proposed amendments were originally entertained by Underhill residents in the summer of 2018, and subsequently approved by voters on Tuesday, November 6, 2018. However, due to a missed deadline pertaining to warning a Special Town Meeting in accordance with 17 V.S.A. § 2641, the amendments were never formally adopted, and therefore, the amendment process needs to be repeated.*

Proposed Changes

When viewing the proposed revisions below, please be advised that Underlined, Red Font indicates additions while ~~Strikethrough, Red Font~~ indicates deletions. Explanations of the proposed revision can be found in comment boxes located on the right side of the page.

SECTION 3.2.A ACCESS & FRONTAGE REQUIREMENTS

~~**A. Access & Frontage Requirements.** In accordance with the Act [§4412], no development except for forestry and agriculture may be allowed on a lot that does not have frontage on a regularly maintained public road (Class I, II or III town or state highway) or public waters, or by site plan review approval with the Development Review Board (DRB) under Section 5.3, access to a public road or public waters by a Class IV town highway or a permanent easement or right-of-way at least 20 feet in width.~~

- ~~1. Any lot subdivided after the effective date of these regulations shall meet:~~
 - ~~a. minimum road frontage requirements for the district in which it is located, unless modified or waived by the Development Review Board under Section 8.6, or in association with a planned unit development under Article IX; and~~
 - ~~b. relevant access requirements under this section.~~

Rationale: More appropriately located in Section 3.7.E pertaining to Lot, Yard, Frontage and Setback Requirements.

SECTION 3.2.B ACCESS & FRONTAGE REQUIREMENTS

~~**B. Nonconforming Lots.** A lot legally in existence as of the effective date of these regulations that does not meet minimum access and frontage requirements shall be considered a pre-existing nonconforming lot. Access to a nonconforming lot may be approved by the DRB, in consultation with the Selectboard and Underhill-Jericho Fire Department, subject to the following requirements:~~

- ~~1. Access must be provided by a permanent easement or right-of-way, as documented in deed language to be recorded in the land records of the town or, with the written approval of the Selectboard, by a Class IV town highway that is upgraded and maintained by the applicant and successors, in accordance with Subsection D.11 and the town highway ordinance.~~
- ~~2. Development of a nonconforming lot under this section that is accessed by a 20-foot easement or right-of-way shall be limited to one principal use or structure and associated accessory structures and uses as allowed for the district in which it is located. If land subdivision or additional development is proposed, access must be provided in accordance with Subsection D.~~
- ~~3. Access review under this section shall be conducted concurrently by the DRB with site plan, conditional use, or subdivision review as applicable. If no other DRB review is required, access to a nonconforming lot under this section shall be subject to site plan review procedures under Section 5.3.~~

Rationale: More appropriately located in Section 3.8. Subsection 3.2.B.1 above was either relocated to the Road Ordinance or already address in the Road Ordinance.

SECTION 3.2.C HIGHWAY ACCESS

~~C.A.~~ Highway Access. Access to town highways is subject to the approval of the Underhill Selectboard and, for properties that front on or directly access state highways, the Vermont Agency of Transportation. Applicants are encouraged to meet with town and state highway officials to identify and incorporate relevant access management requirements in project design prior to applying for a municipal land use permit under these regulations; however, as a condition of town or state highway access approval, compliance with these regulations and the Town Road Ordinance is also required. Accordingly:

1. The Zoning Administrator shall refer applications for subdivision or development on town highways to the Selectboard and, for subdivision or development on state highways, to the Vermont Agency of Transportation. No municipal permits or approvals under these regulations shall be issued until written recommendations from state and/or town highway officials have been received or 30 days have elapsed from the date of referral, whichever is sooner. Specific access recommendations may be incorporated in relevant findings and conditions of permit approval.
2. All highway accesses (curb cuts, road intersections) and related improvements shall be designed to meet access requirements under these regulations as well as other applicable state or municipal access management recommendations. ~~Where the requirements of these regulations differ from other town or state access requirements, the more restrictive shall apply.~~
3. If required by the Town's Road Ordinance, Aa town or state highway access permit shall be obtained ~~after site plan, conditional use or preliminary subdivision~~ after approval is issued by the DRB under Article 5 or Section 7.5 of these regulations.
4. If applicable, Aa municipal or state highway access permit must be obtained prior to the issuance of a certificate of occupancy or compliance under Section 10.4. The Zoning Administrator may consult with town or state highway officials in determining whether a proposed access meets all relevant access requirements prior to the issuance of a certificate of occupancy or compliance.

Rationale: Added additional language to provide more clarity. The elimination of language under Section 3.2.C.2 is already addressed in the regulations.

SECTION 3.2.D HIGHWAY ACCESS

~~D.B.~~ Access Management & Driveway Standards.

1. **Related Standards.** Accesses to town highways shall at minimum meet the requirements of the town highway ordinance and these regulations. Access to state highways shall meet Vermont Access Management Program Guidelines in effect at the time of application. Where the requirements of these ~~standards-regulations~~ differ from other town or state requirements, the more restrictive shall apply.
- ~~2—Number. A lot shall be served by no more than one access (curb cut) onto a town or state highway except for:~~

- ~~a. — A temporary or permanent access used only for farming or forestry purposes, as approved by the Selectboard or state;~~
- ~~b. — A temporary access for use during construction or special events, as authorized by the Selectboard or state; or~~
- ~~c. — A lot or use for which it has been demonstrated by the applicant, and determined by the DRB in consultation with town or state highway officials, that an additional access is necessary for vehicular and pedestrian safety, to improve traffic circulation, to reduce traffic congestion or, that because of physical site constraints (e.g., streams, wetlands, or steep slopes), strict compliance with this requirement would result in a less functional site layout.~~

3.2. Subdivisions. No additional access rights to a public highway shall automatically result from the subdivision or re-subdivision of parcels established after the effective date of these regulations [March 2, 2011], nor for the development or redevelopment of contiguous parcels under common ownership and control as of the effective date of these regulations. Such lots shall be accessed from a shared access and driveway, a cross connection to an adjoining lot, or a development road, unless otherwise approved by the DRB in consultation with state or town highway officials under Subsection D.2.

4.3. Redevelopment. For land subdivision and development subject to review by the Development Review Board – including the re-subdivision, redevelopment or change in use of an existing lot – the DRB may require, in consultation with town or state highway officials, the elimination, consolidation and/or relocation of existing accesses to meet the requirements of these regulations, the town highway ordinance or state access management guidelines.

5.4. ~~Width~~Edge-Defining Features. ~~The width of an access (curb cut) shall be limited to the width as approved under D.9, and shall not extend along the length of road frontage.~~ The installation of ~~curbing~~, landscaping, or other edge-defining features may be required by the DRB under Article XIII of these regulations as needed to physically or visually defined and limit access width. Curbing may be recommended by the DRB for the Selectboard to consider as part of their review.

6.5. Zoning Districts. No access shall be provided to serve a lot located in another zoning district which is to be used for a use that is prohibited within the district in which the access is located.

~~6. — **Corner and Through Lots.** Where a lot has frontage on two roads (e.g., a corner or through lot), access to the lot shall be provided from the secondary (less traveled) road unless otherwise documented by the applicant and determined by the DRB as necessary to improve vehicle and pedestrian safety and traffic circulation onsite or on adjoining roads.~~

8.6. Shared Access. Shared accesses and driveways serving up to three lots and internal cross-connections to adjoining lots are encouraged and may be required for development subject to DRB review as necessary to minimize the number of access points and intersections along public highways. Shared driveways may be located within side or rear yard setbacks, and shall be maintained under a shared maintenance agreement accepted by the town. The interests of each owner of a shared access and driveway shall be protected by an easement recorded in the deed of each lot.

9.7. Driveway Standards and Development Road Location. All new, relocated or upgraded driveways ~~must meet town driveway standards, including Vermont Agency of Transportation B-71 standards for residential and commercial drives, as most recently amended (see Appendix A). In addition shall:~~

- a. ~~Driveways shall be~~ located not less than 12 feet from side and rear lot lines unless waived by the Development Review Board for shared driveways [see Subsection D.8 and Section 3.7(E)(3)] and lots with limited frontage [see Subsection B].
- b. Driveways and development roads shall be ~~located to avoid, to the extent physically feasible, areas of~~ located to minimize site disturbance on steep slope (15% or more) (see Section 3.18), primary agricultural soils, and surface waters, wetlands and associated buffer areas (see Section 3.19), and to minimize the number and extent of stream crossings.
- c. ~~The average finished grade of a driveway shall not exceed 12% as measured over any 50-foot section, unless otherwise specifically authorized by the Underhill Selectboard under the town highway ordinance and the Underhill Jericho Fire Department.~~
- d. ~~Driveways that exceed 500 feet in length shall include a 10-foot by 30-foot pull-off area every 500 feet and terminate in a "Y" turnaround.~~

10. — Development Roads. ~~For the purposes of these regulations, any access driveway or road serving four or more lots shall be considered a private development road which must meet town highway standards, including Vermont Agency of Transportation A-76 standards for development roads as most recently amended (see Appendix B), and the requirements of Section 8.6. Lot frontage along a private development road can be used to meet district frontage requirements. A private road may be accepted and taken over by the town only in accordance with adopted town highway policies and ordinances in effect at the time of application.~~

11. — Class IV Roads. ~~If a Class IV road is to be used for development that requires year-round access, the road shall be upgraded and maintained by the applicant and his or her successors in interest to at minimum meet town driveway (B-71) standards. If the development is for more than three lots, the Class IV road must be brought up to town highway (A-76) standards in accordance with Section 8.6 and the town highway ordinance. Public rights-of-way used to access private property shall remain open to the public.~~

Rationale: Sections 3.2.D.2, 3.2.D.9.c, 3.2.D.9.d, 3.2.D.10, and 3.2.D.11 have been eliminated from the *Unified Land Use & Development Regulations* and incorporated into, or already exist in, the recommended draft Road Ordinance. Due to the eliminated or relocated sections, the remaining sections were renumbered. Some language was added to provide clarity.

Section 3.7 Lot, Yard, Frontage & Setback Requirements

SECTION 3.7.E FRONTAGE REQUIREMENTS.

E. Frontage Requirements. ~~In accordance with the Act [§4412], no development except for forestry and agriculture may be allowed on a lot that does not have frontage on a regularly maintained public road (Class I, II or III town or state highway) or public waters, or by site plan review approval with the Development Review Board (DRB) under Section 5.3, access to a public road or public waters by~~

a Class IV town highway or a permanent easement or right-of-way at least 20 feet in width.

1. Any lot subdivided after the effective date of these regulations shall meet:
 - a. Minimum road frontage requirements for the district in which it is located, unless modified or waived by the Development Review Board under Section 8.6, or in association with a planned unit development under Article IX; and
 - b. Relevant access requirements under the Town's Road Ordinance.
2. Lot frontage along a private development road can be used to meet district frontage requirements.

Rationale: Relocated from Section 3.2.A. The addition of these regulations are more appropriately located under this Section.

SECTION 3.7.E WAIVERS

E.F. Waivers. District dimensional requirements may be reduced by the Development Review Board, after notice and public hearing, only for the following:

Rationale: Changing of a reference to incorporate a new subsection under Section 3.7.

SECTION 3.7.F (UNTITLED)

F.G. Waivers. For development subject to subdivision, site plan or conditional use review, the DRB may also require greater setback and buffer distances and additional landscaping and/or screening within designated setback areas; and may also limit or prohibit the use of setback areas for parking and storage as necessary to protect public health, safety, and welfare, or to avoid or mitigate undue adverse impacts to adjoining properties, rights-of-way, uses or significant natural or scenic resources (see Sections 5.5 and 8.3).

Rationale: Changing of a reference to incorporate a new subsection under Section 3.7.

SECTION 3.8.D (UNTITLED)

- D. A lot legally in existence as of the effective date of these regulations that does not meet minimum access under the Town's Road Ordinance and the frontage requirements under Section 3.7 shall be considered a pre-existing nonconforming lot.
1. Development of a nonconforming lot under this section that is accessed by a 20-foot easement or right-of-way shall be limited to one principal use or structure and associated accessory structures and uses as allowed for the district in which it is located.
 2. Access review under this section shall be conducted concurrently with site plan, conditional use, or subdivision review as applicable. If no other DRB review is required, access to a nonconforming lot under this section shall be subject to site plan review procedures under Section 5.3.

Rationale: More appropriately located under this Section than under Section 3.2.B.

SECTION 3.8.D (UNTITLED)

~~D.E.~~ Lots established under an approved planned residential or planned unit development under Article IX that do not meet minimum district dimensional standards shall not be considered nonconforming lots for purposes of subsequent merger under Subsection B or development in conformance with an approved plan.

Rationale: Changing of a reference to incorporate a new subsection under Section 3.8.

SECTION 7.7.C (UNTITLED – PERTAINING TO PLAT RECORDING REQUIREMENTS)

A. The plat to be recorded shall:

- a. Measure a minimum of 18" x 24" or multiple thereof,
- b. Have margins outside border lines of 1.5" on the left for binding, and 0.5" on all other sides.
- c. Containing the approved road names and assigned 911 locator numbers for each parcel.
- ~~c.d.~~ Be certified and signed by the surveyor.
- ~~d.e.~~ Carry the following endorsement, to be signed by the Chair or other authorized

Rationale: The new Subsection c has been relocated from Section 8.6.B.6, and is more appropriately located under this Section. The previous subsections c and d have been renumbered to accommodate the new subsection.

SECTION 8.6.A ACCESS & DRIVEWAYS

A. **Access & Driveways.** Access to the subdivision and to individual lots within the subdivision shall at minimum meet the requirements of these Regulations, the Road Ordinance, Section 3.2 (Access Management) and the following:

1. Access to individual lots legally in existence as of the effective date of these regulations that do not have frontage on a public road may be approved by the Development Review Board in accordance with Section 3.~~7.2~~ concurrently with subdivision approval.
2. All lots created after the effective date of these regulations that are intended for development must meet minimum applicable frontage requirements along public and private road rights-of-way for the district(s) in which they are located unless modified or waived by the DRB for planned unit development under Article IX. The DRB may also reduce or waive district lot frontage requirements for:
 - ~~a.~~ minor (up to three lot) subdivisions accessed by a shared driveway,
 - ~~b.~~ lots that will be maintained in perpetuity as undeveloped open land to be used only for passive outdoor recreation or resource conservation,
 - ~~c.~~ lots located on a cul-de-sac or at the end of an existing dead-end road, or
 - ~~d.~~ to allow for rear lot (flag lot) infill development within the Underhill Flats Village Center and Underhill Center Village zoning districts.

3. A highway access (curb cut) permit from the Underhill Selectboard (or designee) is required for subdivision access onto town highways, and from the Vermont Agency of Transportation for subdivision access onto state highways, as required ~~under Section 3.2~~ by these Regulations and the Town's Road Ordinance. Applicants are encouraged to meet with local and state highway officials prior to submitting an application for preliminary subdivision review. As required under the Town's Road Ordinance, preliminary ~~A~~ access permits are required prior to filing an application for ~~final~~ preliminary subdivision review, and access permits are required after obtaining final subdivision approval.
- a. Municipal or state access management requirements in effect at the time of application shall be incorporated in subdivision layout and design. These include, but may not be limited to Underhill town highway ordinance standards, and Vermont Access Management Program Guidelines.
4. Access to a subdivision shall conform to adopted state or municipal access management plans and capital or transportation improvement plans. Planned highway and access improvements, including proposed rights-of-way, shall be incorporated in subdivision design. Right-of-way reservations may be required as necessary to accommodate planned improvements.
- ~~5. A subdivision shall be served by no more than one direct access onto a public highway, unless additional access is deemed necessary by the DRB to:~~
 - ~~a. improve traffic circulation or reduce traffic congestion,~~
 - ~~b. facilitate emergency vehicle access, as determined by the Jericho Underhill Fire Department,~~
 - ~~c. allow connections between adjacent parcels of land, each of which has direct access to a public highway, or to~~
 - ~~d. address physical site constraints, such as the presence of steep slopes, surface waters, wetlands, resource or hazard areas, or other physical site conditions that warrant additional access.~~
- ~~6.5.~~ Access to newly created parcels, and to existing contiguous parcels under common ownership or control, shall be provided internally from a shared driveway or development road that intersects the public highway, unless otherwise approved by the DRB under Subsection A.5. Additional indirect access via an adjacent parcel to serve part or all of the subdivision is allowed.
 - ~~a. No additional access rights to a public highway shall automatically result from the subdivision or re-subdivision parcels established after the effective date of these regulations [March 2, 2011], nor for the development or redevelopment of contiguous parcels under common ownership and control as of the effective date of these regulations.~~
- ~~7. Access to a subdivision from a Class IV town highway must meet minimum requirements for the upgrade and use of Class IV roads under Section 3.2 and the Underhill Highway Ordinance:~~
 - ~~a. A Class IV road serving a minor subdivision (three or fewer lots) must be upgraded to meet minimum driveway (B-71) standards under these regulations and the town highway ordinance.~~
 - ~~b. A Class IV road serving four or more lots must meet minimum road standards (A-76) under these regulations and the town highway ordinance.~~

~~c. The applicant is responsible for the cost of Class IV road upgrades and road maintenance under a maintenance agreement approved by the Selectboard.~~

~~8.6.~~ To improve traffic flow and safety, avoid congestion, and preserve the capacity of public highways the DRB, in consultation with local or state highway officials, may also:

- ~~a. further limit access onto public highways by requiring the elimination or relocation of existing accesses;~~
- ~~b. require shared accesses, driveways, or roads to serve multiple lots within a subdivision;~~
- ~~c. require access from a secondary (less traveled) road, if the proposed subdivision has frontage on both primary (arterial or collector) and secondary (local) roads, and access to the secondary road is sufficient and reasonable;~~
- ~~d. require that road rights-of-way extend to property line(s) to allow future access or connections to adjoining parcels; or~~
- e. prohibit the creation of reserved strips of land adjacent to a proposed road which would deny access to adjacent properties.

~~9.7.~~ **Driveways.** Driveways serving minor subdivisions of three or fewer lots shall meet the requirements of Section 3.2 and the Underhill Highway Ordinance in effect at the time of application. For the purposes of these regulations, driveways serving four or more lots shall be considered development roads subject to the requirements of Subsection B.

Rationale: Sections 8.6.A.5.a-d, 8.6.A.6.a, 8.6.A.7.a-c, and 8.6.A.7.a-d have been eliminated from the *Unified Land Use & Development Regulations* and reincorporated into, or already exist in, the recommended draft Road Ordinance. Due to the eliminated or relocated sections, the remaining sections were renumbered. Some language was added to provide clarity.

SECTION 8.6.B HIGHWAY ACCESS

B. Development Roads. ~~The following road standards shall apply to all rights-of-way serving major subdivisions or accessing four or more lots. Roads shall be considered private roads until such time as they are accepted by the Town of Underhill. Roads intended for acceptance by the town must also meet standards for proposed public highways under the Town of Underhill Highway Ordinance in effect at the time of application for acceptance. Development roads and rights-of-ways serving major subdivisions of four or more lots shall meet the requirements of Section 3.2 and the Town Road Ordinance in effect at the time of application.~~ In the event that there is a conflict between the requirements of these regulations and the highway ordinance, the more restrictive shall apply.

- ~~1. **System Capacity.** The volume and type of traffic to be generated by the proposed subdivision at build-out shall not result in undue traffic congestion or delay on public highways, or exceed the functional or structural capacity of travel lanes, intersections, bridges, culverts and other highway infrastructure in the vicinity of the proposed subdivision. The Development Review Board may require a traffic impact analysis prepared by a qualified transportation engineer or planner for any subdivision that generates 75 or more peak hour trips, or as otherwise deemed necessary by the DRB to determine whether infrastructure improvements are needed to mitigate traffic impacts from a proposed subdivision. Traffic studies shall reference the Institute of Transportation Engineers' Trip Generation Manual (current edition), or trip generation rates derived from local transportation studies.~~

~~2.1.~~ **Layout.** To promote safety, to facilitate traffic flow and emergency vehicle access, and to protect significant resources, roads shall, to the extent physically feasible, be laid out to:

- a. ~~Provide~~ provide access to lots within the subdivision that are intended for subsequent development.
- b. ~~Follow existing linear features where physically feasible (e.g., farm and logging roads, field edges, utility corridors, tree and fence lines, stone walls), and meet other requirements for the protection of identified resource and hazard areas under Subsection 8.3.~~
- c. ~~Minimize the number and extent of stream and wetland crossings and disturbed areas within associated buffers in accordance with Sections 3.19 and 8.3.~~
- d. ~~Logically relate to topography, following contour elevations, to minimize the amount of cut and fill required and to maintain reasonable finished grades and safe intersections.~~
- e. ~~Extend or connect to existing or planned roads adjoining the subdivision, under joint agreement or in common or public ownership.~~
- f. ~~Provide for road extensions to serve future subdivisions as shown on the subdivision plat.~~

3. ~~**Design & Construction.** All roads serving the proposed subdivision shall be designed to meet dimensional and geometric design standards contained in the Vermont State Standards for the Design of Transportation Construction, Reconstruction and Rehabilitation on Freeways, Roads, and Streets (Vermont State Standards) as most recently amended; and constructed in accordance with current state "Standards for Town and Development Roads" (Standard Drawing A-76) and the Underhill Highway Ordinance as it applies to new or upgraded roads. Minimum design standards include, but may not be limited to the following:~~

- a. ~~**Rights-of-way.** A road right-of-way must be at least 50 feet wide unless otherwise approved or required by the Underhill Selectboard under the town highway ordinance.~~
- b. ~~**Grades.** The average finished grade of a road shall not exceed 12% over any 50-foot section, unless otherwise approved by the DRB in consultation with the Selectboard and the Underhill-Jericho Fire Department. In no case shall the maximum finished grade exceed 15%.~~
- c. ~~**Drainage.** Drainage from development roads and driveways shall not adversely affect public highway infrastructure or neighboring properties.~~
 - i. ~~Road drainage shall be designed, installed and maintained in accordance with best management practices accepted by the state, and as required under the town highway ordinance.~~
 - ii. ~~Selectboard approval is required for any road drainage into a town highway right-~~

Table 8.1 Travel Lane and Shoulder Widths for Rural Development Roads

Design Volume (ADT)	0-25	25-50	50-100	100-400	400-1500	1500-2000	2000+
Design Speed (mph)	Width of Lane/Shoulder (ft)						
25	7/0	8/0	9/0	9/2	9/2	10/3	11/3
30	7/0	8/0	9/0	9/2	9/2	10/3	11/3
35	7/0	8/0	9/0	9/2	9/2	10/3	11/3
40	7/0	8/0	9/2	9/2	9/2	10/3	11/3
45	—	—	9/2	9/2	9/2	10/3	11/3
50	—	—	9/2	9/2	10/2	10/3	11/3

Source: Vermont State Standards for the Design of Transportation Construction, Reconstruction and Rehabilitation on Freeways, Roads and Streets, October 1997.

of-way.

- ~~iii.—Drainage easements and off-site improvements are required for road drainage directed onto adjoining properties.~~
- ~~d.—Travel Lanes.~~ The width of travel lanes and shoulders shall be based on average daily traffic (ADT) and design (existing or planned) posted speeds, in accordance with current "Vermont State Standards for Design and Construction" in effect at the time of application and the town highway ordinance. Design standards for rural development roads are included in Table 8.1.
- ~~i.—Roads intended for shared use by bicycles or for on-street parking (e.g., within the Underhill Flats Village District) shall incorporate paved shoulder areas that meet minimum recommended width and design standards under Vermont State Standards in effect at the time of application.~~
- ~~e.—Surfacing.~~ Road surfacing (gravel, paved, other) shall meet applicable requirements under adopted town highway ordinances and policies in effect at the time of application.
- ~~f.—Dead Ends.~~ Dead end roads in excess of 500 feet shall be constructed with a suitable turnaround at the terminus for emergency vehicles. This may consist of a cul-de-sac, or a "T", "Y" or other configuration that meets town standards and allows emergency vehicles to turn around safely and efficiently. Roads in excess of 800 feet in length shall also have a vehicle turnout at least 12 feet wide and 35 feet in length near the half-way point of every 800-foot section, with a suitable turn-around at the terminus.

4.2. Improvements. The proposed subdivision shall not unduly burden town or state highways, including roads and intersections in the vicinity of the project. Any highway access, drainage, lane, or other infrastructure or traffic control improvements necessitated by the proposed subdivision shall be paid for and installed by the applicant, unless otherwise approved by the DRB in consultation with the Selectboard or state highway officials. The DRB also may require as conditions of approval, as necessary to ensure compliance with these regulations:

- a. Performance bonding or other form of surety acceptable to the Selectboard to ensure that required road, intersection and related infrastructure improvements are installed as approved by the DRB.
- b. The phasing of development in relation to planned state or municipal transportation infrastructure improvements included in adopted capital or transportation improvement programs.
- c. A development agreement approved by the Selectboard governing the timing, installation and any agreed upon cost-sharing arrangements between the subdivider and the town or other affected property owners.

~~5.—Acceptance.~~ A road shall be considered private road unless formally dedicated to the town and accepted by the Underhill Selectboard as a public road in accordance with adopted town road policies, ordinances and state statutes.

~~6.—Names, Signs and 911 Locator Numbers.~~ Road names shall be approved by the Underhill Selectboard as part of the subdivision process. Approved road names and assigned 911 locator numbers for each parcel shall be clearly depicted on the final plat, and identified on signs approved by the Selectboard.

Rationale: Sections 8.6.B.2.b-f, 8.6.B.3.a-f, 8.6.B.5 have been eliminated from the *Unified Land Use & Development Regulations* and incorporated into, or already exist in, the recommended draft Road Ordinance. Due to the eliminated or relocated sections, the remaining sections were renumbered. Some language was added to provide additional clarity.